

# *City of St. Louis Department of Personnel Administrative Regulation NO. 125*

## **Jury and Witness Leave**

The current Compensation Ordinance provides for jury leave with regular bi-weekly pay for bi-weekly paid employees, and allows for the retention of jury stipend pay for jury service under limited circumstances. Following is an expansion on the Ordinance provision and guidelines as to payment and treatment of leave requests.

### **I. ELIGIBILITY TO RECEIVE JURY LEAVE WITH PAY**

As provided by ordinance, all full-time and part-time bi-weekly paid employees working one-half (50%) time or more are eligible for jury or witness leave with pay when they are serving as jurors pursuant to order of the St. Louis Circuit Court or Federal District Court in St. Louis, or while their presence is required by the prosecutor as part of a grand jury procedure or trial in State, County or Federal Court.

The following employees are not eligible to receive jury leave with pay:

1. Employees working on a per performance basis.
2. An employee who is directly involved in the case as a plaintiff or defendant
3. Bi-weekly paid employees who work less than one-half (50%) time.

### **II. PROCEDURES WHEN CALLED FOR JURY SERVICE**

A. All employees who are summoned for jury duty or subpoenaed as a witness must report such fact within seventy- two (72) hours to their appointing authority and display to the appointing authority the summons or subpoena.

B. To the extent practicable, the appointing authority should attempt to temporarily revise the work schedule of employees so that they are not on jury duty or witness leave on their days off. In addition, any previously scheduled vacation time for this period should be canceled and rescheduled.

C. Upon being excused by the Jury Supervisor from serving as a juror in the St. Louis Circuit Court, or by the prosecuting authority from serving as part of a grand jury procedure or trial in State, County or Federal Court, the employee shall immediately report to his appointing authority with a written statement

from the Jury Supervisor or prosecuting attorney setting forth the time and date served. If, according to the policy of the employee's department, they would not be required to report to work until the next regularly scheduled work day, the employee could present the written statement at that time.

D. The work schedule of a particular employee may affect when they should return to work upon being excused from jury service. If, for example, only several hours remained in the work day, the employee might be told just to report the next day. If the employee was on the evening or night shift and had to report for duty in several hours and because of jury duty had no opportunity for sleep, it might be best just to have the employee report to work on the next scheduled work day. Reasonable discretion should be used by the appointing authority in determining when the employee should return to work. In any event, the employee shall be credited with paid leave for the time absent due to jury or witness duty.

A standard policy explaining when employees are to return to work following jury service should be developed for each department and/or division, taking into consideration all assigned work schedules and shifts. Notice of these guidelines should be made available to all employees, and discussed with employees in advance of their date to report for jury service, at least no later than the time they are required to submit their jury service notice to their supervisor.

E. Employees who are sequestered during the course of a trial find themselves in the service of the Court during evenings, and possibly on weekends. Since the purpose of paid jury/witness leave is to protect an employee's regular base bi-weekly income, additional paid jury/witness leave shall not be paid for sequestered evening or weekend duty, which extends beyond the number of hours of the employee's regularly scheduled work hours.

F. Employees whose regularly scheduled work week entitles them to shift differential in accordance with Section 2(g) of the compensation ordinance shall not be paid shift differential for the period of jury service.

The basic principle behind paid jury/witness leave is that full income protection is provided to eligible employees. Any employee found abusing this privilege shall not be entitled to payment for current or subsequent jury service and will be subject to disciplinary action. Serving jury/witness duty should not be a hardship on City employees, but it is seen as a civic duty.

### **III. ELIGIBILITY FOR RETENTION OF THE STIPEND FOR JURY SERVICE**

#### **Circumstances When Employees MAY NOT Keep the Jury Stipend**

A. Bi-weekly paid employees working one-half (50%) time or more may not keep any compensation (stipend) from the Jury Supervisor for jury service in the St. Louis Circuit Court on days the employee receives compensation from the City, such as:

1. On regularly scheduled work days, vacation leave, paid sick leave, receipt of 2/3 salary while on Workers' Compensation, etc.;
2. When an employee is directly involved in the case as a defendant or plaintiff;
3. For evenings and/or nights served when the employee is sequestered;
4. On a day when an employee is dismissed early from jury service and is required to return to work to complete the remainder of their shift.

B. Upon completion of jury service other than in a Circuit Court (e.g, the Federal District Court), the employee normally receives a stipend which includes travel and parking fees for their service. On days bi-weekly paid employees who work one-half (50%) time or more receive compensation from the City while on jury service, they may not retain the daily stipend, but are entitled to retain any travel and/or parking fees. Please refer to Section IV(B) of this administrative regulation for guidelines that must be followed upon receipt by the employee of a check from the Federal District Court.

C. Employees called to testify in their capacity as a City official or employee are considered as being on duty when testifying. Any fees for such service which might be received should be forwarded to the Comptroller's Office using the same procedures described above.

If an employee fails to submit his jury stipend and refuses to furnish funds for the amount due the City, the amount of the stipend less allowable expenses should be deducted from their pay. In addition, the employee could be subject to disciplinary action.

#### **Circumstances When Employees are PERMITTED TO RETAIN the Jury Stipend**

A. Employees paid on a per performance basis and bi-weekly paid employees who work less than one-half (50%) time who are not eligible to receive paid jury/witness leave may keep any stipend paid by the Court of Circuit Attorney.

B. Bi-weekly paid employees who are eligible to receive paid jury/witness leave may keep the jury stipend only on those days (i.e., a full shift) when the employee receives no compensation from the City, such as:

1. On an employee's regularly scheduled day(s) off.

However, as recommended in Section II of this administrative regulation, the appointing authority should, if at all practicable, temporarily revise the employee's work schedule so that jury duty will not fall on the employee's day off.

2. When the employee is on dock, family medical leave, and other non-paid leave of absence, excluding suspensions for disciplinary reasons.

#### **IV. PROCEDURES FOR REIMBURSING ELIGIBLE EMPLOYEES FOR THE JURY STIPEND**

A. For jury service in the St. Louis Circuit Court

1. Upon completion of jury service, THE EMPLOYEE must submit to their immediate supervisor the written statement issued by the Jury Supervisor which indicates dates and number of days served. This statement shall then be forwarded to the department/division's payroll clerk.

2. THE PAYROLL CLERK should check the employee's work schedule and attendance records against the statement from the Jury Supervisor. If, based on the criteria outlined in this regulation, it is determined that the employee is eligible to keep all or a part of the stipend for their jury service, the payroll clerk must then complete a "Jury Stipend Authorization Form" for the employee. (See attached copy.)

**NOTE:** The "Jury Stipend Authorization Form" would not be completed for employees who are ineligible to receive any amount of jury stipend. However, it must be completed for employees who served in courts other than the St. Louis Circuit Court (such as the Federal District Court) and, although ineligible to retain the daily stipend, would be able to receive travel and/or parking fees.

3. After attaching a copy of the written statement from the Jury Supervisor to the signed and completed "Jury Stipend Authorization Form," THE PAYROLL

CLERK must then forward the original of the form to the Jury Supervisor's Office. A copy of the "Jury Stipend Authorization Form" should be kept for the department's records.

4. The JURY SUPERVISOR'S OFFICE will issue a check to the employee for the number of eligible days authorized on the "Jury Stipend Authorization Form."

B. For jury service other than in a Circuit Court (e.g, the Federal District Court)

1. After receiving a check for jury service, THE EMPLOYEE must endorse the check (i.e., sign the back of the check and write: "For Deposit Only -- City of St. Louis") and forward it to their payroll clerk.

2. The PAYROLL CLERK should check the employee's work schedule and attendance records and determine if the employee is eligible to retain any of the daily jury stipend as well as the travel/parking fees, if paid. Then, the payroll clerk must attach the check to a signed and completed "Jury Stipend Authorization Form" and forward both to the Financial Reporting Section of the Comptroller's Office.

3. Based on information provided by the "Jury Stipend Authorization Form," the COMPTROLLER'S OFFICE will issue a check payable to the employee for an amount equal to the authorized daily stipend and travel/parking fees, or only for the travel and parking reimbursement if the employee was not eligible to keep the daily stipend.

In the event that an employee cashes a check when they were eligible only for reimbursement of the travel/parking fees, the employee must issue to his payroll clerk a personal check, or money order, payable to the City of St. Louis for the amount of the stipend, less listed parking and travel fees. The payroll clerk will forward the check or money order to the Comptroller's Office with an explanation.

Payroll clerks should use the attached "Jury Stipend Authorization Form" to make additional copies as they are needed.

Questions regarding this Administrative Regulation should be referred to the Compensation and Employee Relations Division of the Department of Personnel at 622-3565.

## DEPARTMENT OF PERSONNEL

William C. Duffe  
Director

DATE: June 24, 1988  
Revised: June 16, 1997